



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

SEP 15 2016

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7014 1200 0000 6126 5636

Mr. Robert A. Nading, II
Attorney at Law
408 SW Third Avenue
Ankeny, Iowa 50023

RE: Chrome Reflections
4141 East 14th Street
Des Moines, Iowa
RCRA ID No.: IAR000521112

Dear Mr. Nading:

Letter of Warning/Request for Information

On September 6, 2016, a representative of the U.S. Environmental Protection Agency inspected the Chrome Reflections facility that is owned by your client Mr. Bill Moyer. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act.

Based on observations made during this inspection and other EPA onsite visits conducted at the facility, we are requesting additional information regarding the facility's compliance status with RCRA. Enclosed is a list of violations followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.




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Within 30 calendar days of receiving this letter, please mail your response to: Kevin D. Snowden, U.S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all technical questions concerning this letter to Mr. Snowden, of my staff, at (913) 551-7022 or at snowden.kevin@epa.gov. Any legal questions should be directed to Ms. Jennifer Trotter, Office of Regional Counsel, at (913) 551-7180 or at trotter.jennifer@epa.gov.

It is the EPA's understanding that your client Mr. Bill Moyer hired US Waste Industries, Inc. (US Waste) to assist in properly disposing the contents of the facility per applicable federal and state regulations. If you would like the EPA to have direct communication with US Waste or any other contracting firm that you choose to hire on the technical aspects of this issue, please provide Mr. Snowden with the applicable contact information.

Sincerely,



 Mary Goetz
Waste Enforcement and Materials Management
Branch
Air and Waste Management Division

Enclosures (3)

cc: Amie Davidson, Chief, Contaminated Sites Section
Iowa Department of Natural Resources

Mr. Bill Moyer
Facility Contact for Imperial Properties

Notice of Violation
Chrome Reflections
4141 East 14th Street
Des Moines, Iowa
RCRA ID No.: IAR000521112

1. Title 40 Code of Federal Regulations (40 CFR) 262.11—Failure to conduct a hazardous waste determination on the following waste streams:
 - a. plating tank numbers 9, 10, 14, 15, 16, and 17;
 - b. one, 15-gallon stainless steel container west of the Main Plating Line;
 - c. shelves of cleaners, paints, and other chemicals along the north wall of the plating room;
 - d. chemicals in the storage rooms north of the plating room;
 - e. residue on the floor of the plating room;
 - f. reactor tank north of the Main Plating Line;
 - g. one, 1/6 full 55-gallon black plastic container near the reactor tank north of the Main Plating Line;
 - h. one 5-gallon blue plastic carboy container near the reactor tank north of the Main Plating Line;
 - i. three 15-gallon open top plastic containers north of the Main Plating Line (two, 2/3 full; one 1/3 full);
 - j. leftover sludge and liquids in tank numbers 1 through 8, 11, and other “empty” tanks observed in the Main Plating Line;
 - k. anodes observed in tank numbers 4 and 7 of the Main Plating Line, in the two unnumbered tanks north of the Main Plating Line, and in the 55-gallon plastic container in the Barrel Line north of the Main Plating Line;
 - l. liquids in the three 55-gallon black plastic containers of the Barrel Line (one was full and two were 2/3 full);
 - m. three five-gallon blue carboy containers next the Barrel Line;
 - n. sludge and liquids in the 20-gallon “Hotsy” washer tank;
 - o. the following containers/materials observed in the North shelving unit (northeast corner of the building):
 1. four 55-gallon plastic containers observed on the top shelf;
 2. one 55-gallon black metal container observed on the top shelf;
 3. eight five-gallon plastic containers observed on the shelf;
 4. four 55-gallon fiber containers observed on the middle shelf;
 5. approximately 12 large paper bags (some labeled “sodium hypochlorite”) observed on the bottom shelf/floor;
 - p. the following containers/materials observed in the South shelving unit (southeast corner of the building):
 1. six 30-gallon black plastic containers (several labeled “corrosive”) observed on the top shelf;
 2. four 40-gallon fiber containers (one is leaking) observed on the middle shelf;
 3. one 55-gallon black metal container that was very corroded on the floor and immediately west of the South shelving unit;
 4. one metal box on wheels containing several plastic totes on the floor beneath the South shelving unit;
 5. one 30-gallon black plastic carboy that was turned upside down inside of a 55-gallon plastic container that had been cut in half observed beneath the South shelving unit;

6. one 55-gallon black plastic open top container with several inches of liquid observed beneath the South shelving unit;
 7. several five-gallon containers of anodes observed beneath the South shelving unit;
 8. 8-10 five-gallon plastic and metal containers (the metal containers were very corroded) observed beneath the South shelving unit;
 9. one 30-gallon black plastic carboy observed beneath the South shelving unit;
 10. one 10-gallon black metal container labeled "chromic acid" observed beneath the South shelving unit;
 11. one 55-gallon fiber container labeled "(unreadable) acid" observed beneath the South shelving unit;
- q. media (i.e., sand, glass beads, etc.) inside of the sand blasting unit in the metal finishing room;
- r. dust, debris, etc., inside of the two vacuum/one floor sweeper units observed in the metal finishing area;
- s. multiple gas cylinders observed throughout the facility; and
- t. spent fluorescent lamps observed throughout the facility and not stored in containers.

Request for Information
Chrome Reflections
4141 East 14th Street
Des Moines, Iowa
RCRA ID No.: IAR000521112

1. Please identify all persons responding to the questions in this letter. Please include names, titles, and telephone numbers, if different from the facility's telephone number.
2. Please respond to each violation listed in the Notice of Violation. Your responses should include documentation, photographs, drawings, etc., which provide proof of your facility's compliance with the RCRA requirements. Each of your responses should include the date that your facility achieved compliance with the cited violation. Your responses should also indicate what actions your facility has taken to ensure that each of the cited violations do not occur in the future. In addition to responding to each violation in the NOV, you are required to respond to the following items.
3. With respect to Violation No. 1 (items 1.a. through 1.t.), please provide a hazardous waste determination on each waste stream prior to any of these waste streams being combined/mixed:
 - a. a determination of whether or not the waste has been excluded from regulation under 40 CFR Part 261.4;
 - b. a determination of whether or not the waste has been listed as a hazardous waste in Subpart D of 40 CFR Part 261. **If the waste is a listed hazardous waste, please provide the listed waste code(s) in your response;** and
 - c. a determination of whether or not the waste is identified in 40 CFR Part 261 Subpart C. To determine whether the waste exhibits any of the hazardous characteristics in Subpart C, the waste may need to be analyzed using one of the methods found in Subpart C of 40 CFR Part 261, or by applying knowledge of the waste characteristics based upon the materials or processes used. Any laboratory analyses used to make this determination must be provided to the EPA as well as a detailed description as to how each sample was taken. **If the waste is a characteristic hazardous waste, please provide the characteristic waste code(s) in your response.**
 - d. If your facility elects to apply knowledge to make a waste determination of the waste streams identified above, you must provide a detailed explanation and your reasoning regarding the basis for this determination. **Also, if you apply knowledge to make the waste determination, please include all hazardous waste codes for the waste in your response.**
 - e. For each waste stream determined to be a hazardous waste, please provide the amount of waste that is in storage at Chrome Reflections, or has been shipped offsite from the facility.
 - f. Please provide manifests, bills of lading, receipts, etc., for each waste stream that was shipped offsite during the 3 years prior to the March 23, 2016, inspection. Your response should indicate the amount of each waste shipped.
 - g. Please provide manifests, bills of lading, receipts, etc., for each waste stream that has been shipped offsite since the September 6, 2016, inspection. Your response should indicate the amount of each waste shipped.

4. Please provide a diagram of the facility which illustrates the locations of tanks 14, 15, 16, and 17.
5. Please provide copies of all manifests for the wastes that were shipped from the Chrome Reflections facility on September 6, 2016.
6. Please provide a written schedule and/or plan for the completion of the shipment of all hazardous waste from the facility.
7. During the EPA's visits to the Chrome Reflections facility, our inspectors noted a room with a locked door that was located north of the facility's metal finishing area. The inspectors were unable to gain access to this room. Please provide a description of the contents of this room, including but not limited to, a list of any solid and hazardous wastes contained in the room. This list should also provide the amount of each waste stream observed. In addition, please provide photographs of each waste stream found in this room.
8. Please provide copies of all Material Safety Data Sheets and/or Safety Data Sheets that are on file at the Chrome Reflections facility.
9. It is the EPA's understanding that Mr. Bill Moyer is the facility/property owner, and that a Mr. Russ McKeehan was the operator of Chrome Reflections. Please provide any documentation and information, including but not limited to contact information, that you have available on Mr. Russ McKeehan or any other entity that operated Chrome Reflections.

3007 RESPONSE INSTRUCTIONS

- Identify the Person(s) responding to this request on your behalf.
- Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- For each numbered item, identify all persons consulted in the preparation of the answer.
- For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential."
- The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at www.epa.gov/epahome/cfr40.htm.
- This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties assessed per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.

